

SM

Notice of Allowability

Application No.

10/687,222

Examiner

Charles W. Stewart, Jr.

Applicant(s)

ARQUILEVICH ET AL.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer filed January 4, 2005.
2. ☒ The allowed claim(s) is/are 1-8 and 43-76.
3. ☒ The drawings filed on 15 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Reason for Allowance

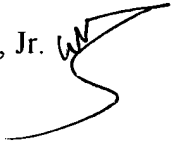
The following is a statement of reasons for allowable subject matter: ✓

The inclusions of the claimed invention are not found in the prior art. The difference is considered patentable over the prior art. Claims 1-8 recites the limitation in the combination of a target having a selected optical property; a removable cover selectively covering the target; and a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor. Claims 43-54 recites the limitation in the combination of a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor, wherein the cover opening member comprises a portion of the optical sensor which pivots the cover to expose the target; and a biasing mechanism which biases the cover into a closed position when unused, and which is stressed when the optical sensor moves the cover to an open position to expose the target. Claims 55-75 recites the limitation in the combination of a target having a selected optical property; a movable cover selectively covering the target; and an open window portion formed on the movable cover through which the target is exposed for viewing when the window portion is positioned between the target and the optical sensor. Claim 76 recites the limitation in the combination the cover has an open window portion through which the target is exposed for said viewing; and the calibration system comprises a coil spring biases the cover into closed position when unused, and which is stressed when the optical sensor moves the cover to an open position to expose the target. The claim combination reflects an improvement in the field of endeavor and over the prior art of record.

Any comments considered necessary by applicant must submit no later than the payment of the issue fee and to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comment on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Charles Stewart, Jr. whose telephone number is (571) 272-2154.

Charles Stewart, Jr. 

March 9, 2005



**Stephen D. Meier
Primary Examiner**